

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN KOKENGE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:23-cv-00335-MTS
)	
JAMES RIVER INSURANCE COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. The Court notes that Defendant’s Notice of Removal, Doc. [1], has failed to establish this Court’s subject matter jurisdiction.¹ Compare Doc. [1] ¶ 9, with *Hargett v. RevClaims, LLC*, 854 F.3d 962, 965 (8th Cir. 2017) (“A complaint or notice of removal resting on residency . . . will not establish citizenship for diversity jurisdiction. This rule is not new.” (internal citation omitted)), and *Reece v. Bank of N.Y. Mellon*, 760 F.3d 771, 777–78 (8th Cir. 2014) (“Because of this ambiguity in the word ‘resident’—as compared to ‘citizen’ and the unambiguous ‘reside’—we cannot satisfy ourselves that diversity jurisdiction is proper based solely on an allegation a party is (or was) a ‘resident’ of a particular state.”).

If Defendant can establish this Court’s subject matter jurisdiction, Defendant must file an Amendment by Interlineation to its Notice of Removal to address the jurisdictional defect the Court has identified herein. See *City of St. Louis v. Bindan Corp.*, 295 F.R.D. 392, 395 (E.D. Mo. 2013) (discussing the circumstances under which a party may amend a notice of removal). Failure to do so will result in remand. See 28 U.S.C. § 1447(c) (“If at any time before final

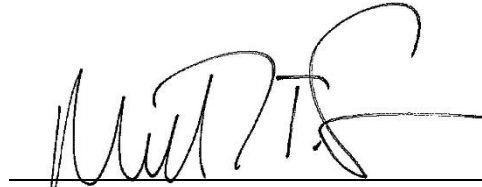
¹ See *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (“Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.”).

judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

Accordingly,

IT IS HEREBY ORDERED that Defendant shall file an Amendment by Interlineation to its Notice of Removal no later than **April 13, 2023**.

Dated this 6th day of April 2023.

A handwritten signature in black ink, appearing to read 'MTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE